

1 **COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**2 Name Van Durden David W
3 (Last) (First) (Initial)4 Prisoner Number F-134565 Institutional Address SAN Quentin state prison7 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**8 DAVID W VAN Durden
9 (Enter the full name of plaintiff in this action.)

10 vs.

11 SAN Quentin state Prison12 _____
13 _____
14 _____
15 (Enter the full name of the defendant(s) in this action)16 **[All questions on this complaint form must be answered in order for your action to proceed.]**

17 I. Exhaustion of Administrative Remedies.

18 [Note: You must exhaust your administrative remedies before your claim can go
19 forward. The court will dismiss any unexhausted claims.]20 A. Place of present confinement SAN Quentin

21 B. Is there a grievance procedure in this institution?

22 YES NO 23 C. Did you present the facts in your complaint for review through the grievance
24 procedure?25 YES NO 26 D. If your answer is YES, list the appeal number and the date and result of the
27 appeal at each level of review. If you did not pursue a certain level of appeal,
28 explain why.

555 New

JUN 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 08-2940 JF (PR)

- 1 1. Informal appeal WAS lost two times
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3
4 2. First formal level
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6
7 3. Second formal level
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10 4. Third formal level
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13 E. Is the last level to which you appealed the highest level of appeal available to
14 you?
15 YES () NOT

- 16 F. If you did not present your claim for review through the grievance procedure,
17 explain why. CDC has repeatedly destroyed and or
18 lost every CDC Form 602 Administrative
19 Appeal that I have submitted

20 II. Parties.

- 21 A. Write your name and your present address. Do the same for additional plaintiffs,
22 if any.

23 David W VAN DURDEN F13456
24 SAN Quentin stat Prison
25 SAN Quentin CA 94974

- 26 B. Write the full name of each defendant, his or her official position, and his or her
27 place of employment.

28 C/o Christensen SAN Quentin state prison

1 Warden of San Quentin State Prison
2
3
4

5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
9 separate numbered paragraph.

10 See Attach pages 1, 2
11
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23 IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 See Attach page 2B
27
28

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5th day of June, 2008



(Plaintiff's signature)

in contact with regarding this situation after
I was released on parole.

#1

ON Thursday June 28th, 2007 AT SAN QUENTIN STATE Prison after evenings meal I was approached by Go Christensen and another ~~Go~~ heavy set Go assigned to Alpine Section that day. Go Christensen stated that he wanted me to ASSAULT the INMATE in Cell 1-A-5 (Meimardis #T-08018) when I refused Both officers ~~began~~ stated "you know how it goes either you do it or we have someone else do you & him" I continued to refuse.

#2

Then Go Christensen said to the other Go "Key Vandurdon was suppose to go home already." The other Go said "yes that's right" Go Christensen Then Said "you look suicidal maybe we should put you in 4point RESTRAINTS" as he looked me right in the eyes.

#3

I then succumbed to the pressure & threats to my health & agreed to their demands. Go Christensen unlocked my cell & I was escorted to cell 1-A-5. Go Christensen unlocked cell 1-A-5 which was solely occupied by INMATE Meimardis & then shoved me into the cell. I looked at Jim Meimardis then Go Christensen. The Go's nodded & I began BEATING Jim Meimardis as key watched & the inmate did not defend himself. The Go's walked off for awhile then returned removed me from cell 1-A-5 & returned

cont

#3 me to cell 1-A-7

#4 Approximately 1 hour later at pill call I notified the nurse that I needed to speak to DR. FREEMAN, that the go's had me assault another inmate. The nurse told the go's she could air find my pills & needed to return to the medical Dept.

#5 shortly after the nurse left DR. FREEMAN came to my cell & I explained what had happened. DR. FREEMAN STATED "I don't believe that stuff happens here" then left.

#6 The next day Friday June 29 ~~after~~ as we returned from breakfast I noticed DR. FREEMAN & [REDACTED] IN THE OFFICE WITH I'M MEIMARDIS. I'M MEIMARDIS BEGAN YELLING THATS HIM THATS THE guy THAT BEAT ME.

AS LT MONOZ ENTERED THE HOUSING UNIT I ASKED TO SPEAK TO HIM. I EXPLAINED WHAT HAD HAPPENED THE DAY BEFORE AS WELL AS MY ATTEMPTS TO NOTIFY MEDICAL STAFF. LT MONOZ ENTERED THE OFFICE TO SPEAK WITH I'M MEIMARDIS.

DR. FREEMAN THEN CAME TO SPEAK WITH ME AND APOLOGIZED FOR NOT BELIEVING ME THE DAY BEFORE. THEN CORRECTIONAL CPT DONAFLUE AND AN ASSOCIATE WARDEN ENTERED THE HOUSING UNIT. LT MONOZ CAME TO ME & INFORMED ME THAT I WOULD NOT BE PAROING THAT DAY AS EXPECTED. I WAS GOING TO AD-SEG.

2A

7 I was housed in a cell in the Adjustment Center that had previously held inmate whitehead.

The cell was covered in human feces. I refused to be put in THAT cell unless it was cleaned.

I was told by the escorting officers that I would go into the cell or they would break my wrist.

#8 The following Monday I was brought to a room & told to give my statement of events and that they would be video taped.

I was further advised that Internal Affairs would be coming to speak with me.

#9 I was released from custody & placed on parole on _____.

#10 I have been harassed by G Christensen in my community. He has chased me in his truck a _____

11 I complained to my parole officer _____ and filed a COC COZ with my Parole Officer on two occasions. Both COC COZ's have been lost.

12 As of this date Internal Affairs has not made any contact with me concerning these events.

13 I have been obstructed from pursuing any & all remedies available to me administratively.

14 I am now facing Parole Violation & placed once again in custody at SRY Quentin because I absconded while on Parole out of fear for my life, due to retaliation by Go Christensen

1B

1# That a thorough federal investigation be held regarding Correctional staff violations of prisoners and abuse of authority at San Quentin.

2

Declarative relief stating that CDC staff have violated my constitutional protections under the U.S. constitution

3*

Protections from further harassment by % Christensen and San Quentin staff.

4#

Punitive damages in the amount of \$75,000.00 for emotional trauma and stress.

San Quentin State Prison
San Quentin, CA 94974

Clerk of the U.S. District
Court

450 Golden Gate Ave
PO Box 36060
San Francisco, CA 94141

